

*"The following draft minutes of the Board meeting have not been adopted by the Board and are provided for general information only"*

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD  
OPEN MEETING MINUTES (CORRECTED)**

**AUGUST 22, 2003**

**10:00 A.M.**

**630 "K" STREET**

**FIRST FLOOR HEARING ROOM**

**SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for and in the absence of J. Clark Kelso, Interim Director, Department of General Services, Chairperson, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, August 22, 2003, at 10:00 a.m. Present were Board members, David Rosenberg, Senior Advisor to the Governor, and Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller.

The Board, on a motion by Jackie Wilson, voted to have Mr. Rosenberg act as Presiding Officer for the August 22, 2003, meeting.

The Board meeting commenced with the pledge of allegiance.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Supervising Staff Counsel; Steve Hall, Manager, and Donnel Toppila, Analyst, from the Government Claims Program. Also in the audience were Pete Williams, DEO, Victim Compensation Program; Sherri Gauger, ADEO, Legislation; and David Shaw, DEO, Quality Assurance & Restitution Recovery Division. Sandy Davidson, Acting Board Liaison, and Melissa Turben, Legal Secretary, recorded the meeting.

**EXECUTIVE OFFICER REPORT**

Ms. Close briefly discussed the Contract Report for July 2003. Next, she highlighted several items from the Executive Officer's report, including the abolishment of the Office of Criminal Justice Planning (OCJP) on January 1, 2004, and the anticipated consolidation of victims' services. The Board's new claims management system is in the evaluation stage, a contractor should be selected by September 30, 2003. The Executive Officer's report is attached for further information on these subjects.

**GOVERNMENT CLAIMS PROGRAM**

The Board commenced the Government Claims portion of the meeting at 10:22 a.m.

Item 1 **CLAIMANT: Theodore Zimbelman** **G527662**

The Board voted to adopt the claims examiner's recommendation.

Item 2 **CLAIMANT: Lew (aka Lewis) Elliott** **G530596**

The Board voted to adopt the claims examiner's recommendation.

Item 3 **CLAIMANT: Karen Kindig** **G530749**

The Board voted to adopt the claims examiner's recommendation.

Item 4 **CLAIMANT: Eileen T. Bonilla** **G533201**

The Board voted to adopt the claims examiner's recommendation.

Item 5 **CLAIMANT: St. Mary's Regional Medical Center** **G530996**

After discussion, the Board voted to adopt the staff's recommendation.

Item 6 **CLAIMANT: Lancaster Community Hospital** **G532182**

After discussion, the Board voted to adopt staff's recommendation.

Item 7 **CLAIMANT: Northtop Grumman, Public Safety, Inc.** **G538356**

After discussion, the Board voted to adopt staff's recommendation.

Item 8 **CLAIMANT: Jeff Grand Medical Group** **G521516**

After discussion, the Board voted to adopt staff's recommendation.

Item 9 Staff presented the **Request for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940 et seq.** After review and discussion of the item, the Board voted to adopt the requests for discharge from accountability, with no changes.

Item 10 Steve Hall presented the **Report on the Claims Examiner Pilot Project.** He indicated the claimants liked the informal process and that most claimants preferred this to appearing before the full Board. After discussion, the Board voted to adopt the attached resolution.

Item 11 Steve Hall presented the **Application by United Way of Merced County to Participate in the 2003 California State Employees' Charitable Campaign.** After discussion, the Board voted to adopt the staff recommendation.

## **OTHER BUSINESS**

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated August 7, 2003, with the following changes:

Item #44 **CLAIMANT: Visara** **G534215**

The Board voted to rescind prior approval of \$14,895.46 and allow the claim under Government Code section 965 in the amended amount of \$14,674.71.

Item #53 **CLAIMANT: RNR Builders, Inc.** **G534661**

Staff requested this item be continued for further review.

Item #98 **CLAIMANT: James E. Newman** **G535835**

Staff requested a continuance to conduct additional research.

Item #172 **CLAIMANT: Meghadi Freeman** **G536882**

This late claim is recommended for denial.

A.	Total claims awarded on consent	91	
	To be paid under GC § 965	18	\$ 62,379.77
	To be paid under claims bill	73	\$135,723.10
B.	Claims rejected on consent	360	

The Government Claims Program was completed at 10:58 a.m.

### **VICTIM COMPENSATION PROGRAM**

The Board commenced the Victim Compensation Program portion of the meeting at 11:00 a.m.

### **CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))**

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Supervising Staff Counsel at 11:07 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting. The Board reconvened into an open session at 11:40 a.m.

### **PROPOSED DECISIONS**

Item 1 **CLAIMANTS** **417497V, 417496V, 417499V**

The Board voted to adopt the proposed decisions as submitted and staff is directed to evaluate any prior payments made to the therapist on the claim to ensure that they were appropriately made.

Item 2 **CLAIMANT** **629625V**

The Board voted to adopt the proposed decision.

Item 3 **CLAIMANT** **638770V**

The Board voted to adopt the proposed decision.

Item 4 **CLAIMANTS** **660524V, 660530V**

The Board voted to continue this item and resubmit it to the Board for consideration as a Precedent Decision.

Item 5 **CLAIMANT** **679418V**

The Board voted to adopt the proposed decision and have it be submitted for consideration as a Precedent Decision.

Item 6 **CLAIMANT** **691914V**

The Board voted to adopt the proposed decision and have it be submitted for consideration as a Precedent Decision.

Item 7 **CLAIMANTS** **693353V, 693354V**

The Board voted to adopt the proposed decision as submitted and staff is directed to make sure that the applicant understands the process for requesting additional treatment.

Item 8 **CLAIMANT** **720189V**

The Board voted to modify the proposed decision as follows: at page 4, line 15, the sentence beginning "The applicant" shall be modified to read, "The applicant who attacked NK from behind did not expect his victim to be willing to get up and walk away without getting back at the attacker or insuring that his attacker was incapacitated." The balance of the decision is adopted as submitted.

Item 9 **CLAIMANT** **723771V**

The Board voted to adopt the proposed decision.

Item 10 **CLAIMANT** **724439V**

The Board voted to modify the proposed decision as follows: at page 1, line 20 of the decision, the sentence is modified to read “The application arose from a claim of battery on June 22, 2002” and the balance of the decision is adopted by the Board.

Item 11 **CLAIMANT** **727699V**

The Board voted to remand the proposed decision to the hearing officer to (1) clarify whether the applicant filed an application as a derivative victim in connection with his parents’ deaths; (2) clarify the evidence concerning the outline of the body on the floor of the house and whether it was associated with the deaths of the applicant’s parents or the qualifying crime upon which the application was based; and (3) provide an analysis of the existence of a threat under the regulations.

Item 12 **CLAIMANT** **735403V**

The Board voted to adopt the proposed decision.

Item 13 **CLAIMANT** **736082V**

The Board voted to adopt the proposed decision.

Item 14 **CLAIMANT** **736637V**

The Board voted to adopt the proposed decision.

Item 15 **CLAIMANT** **736907V**

The Board voted to adopt the proposed decision.

Item 16 **CLAIMANT** **737429V**

The Board voted to adopt the proposed decision.

Item 17 **CLAIMANT** **744885V**

The Board voted to adopt the proposed decision.

Item 18 **CLAIMANT** **747691V**

The Board voted to adopt the proposed decision.

Item 19 **CLAIMANT** **749207V**

The Board voted to adopt the proposed decision.

Item 20 **CLAIMANT** **753577V**

The Board voted to adopt the proposed decision.

## **REQUESTS FOR RECONSIDERATION**

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations, except no. 52, which is continued:

<b><u>21. CLAIMANT</u></b>	<b><u>748461V</u></b>
<b><u>22. CLAIMANT</u></b>	<b><u>732244V</u></b>
<b><u>23. CLAIMANT</u></b>	<b><u>619636V</u></b>
<b><u>24. CLAIMANT</u></b>	<b><u>749316V</u></b>
<b><u>25. CLAIMANT</u></b>	<b><u>762061V</u></b>
<b><u>26. CLAIMANT</u></b>	<b><u>251838V</u></b>

27. CLAIMANT	751903V
28. CLAIMANT	763687V
29a. CLAIMANT	714015V
29b. CLAIMANT	714016V
29c. CLAIMANT	714019V
30. CLAIMANT	744251V
31. CLAIMANT	751493V
32. CLAIMANT	705433V
33. CLAIMANT	457562V
34. CLAIMANT	748403V
35. CLAIMANT	637267V
36. CLAIMANT	693300V
37. CLAIMANT	719405V
38. CLAIMANT	689999V
39. CLAIMANT	546970V
40. CLAIMANT	549881V
41a. CLAIMANT	735638V
41b. CLAIMANT	734330V
42. CLAIMANT	724207V
43. CLAIMANT	703469V
44. CLAIMANT	710152V
45. CLAIMANT	588845V
46a. CLAIMANT	729066V
46b. CLAIMANT	731374V
46c. CLAIMANT	731376V
47. CLAIMANT	680642V
48. CLAIMANT	407811V
49. CLAIMANT	737317V
50. CLAIMANT	753744V
51a. CLAIMANT	754048V
51b. CLAIMANT	764446V
52. CLAIMANT	677208V
53. CLAIMANT	709580V
54. CLAIMANT	571005V
55. CLAIMANT	704713V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, claim numbers 56 through 79.

Pete Williams, Deputy Executive Officer, Victim Compensation Program, presented **“Proposed Revised Regulations: Service Limitations for Mental Health Counseling”**. After five months’ experience with the regulations, staff has revised the regulations to provide clearer direction about the factors that warrant treatment beyond the initial session limits. The regulations address the special needs of children for additional treatment and limit additional treatment available for most derivative victims. The Board voted to direct staff to adopt the revised regulations and to re-submit emergency regulations if necessary.

**MISCELLANEOUS ITEMS**

The Board voted to adopt the July 25, 2003, Board Meeting minutes.

There was no further business except to confirm that the next board meeting would begin at 10:00 a.m., on September 19, 2003.

The meeting was adjourned at 11:56 a.m.

CATHERINE A. CLOSE  
Interim Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of \_\_\_\_\_ at \_\_\_\_\_, California.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Sally Gill  
Board Liaison

*(Affix seal here)*